IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND EIGHT

PRESENT
**THE HON'BLE SRI JUSTICE C.V.RAMULU**
**WRIT PETITION NO : 17145 of 2006**

Between:
1 M/s.Sree Ramcides Chemicals Pvt. Ltd., having its Corp Office at Aishwarya Complex, II Floor, No.4, Duraiswamy Flat No.306, IV Floor, Reliance Residency, Ramakrishna Mutt Road, Domalguda, Hyderabad, rep. by K.Mahadeva Reddy.
2 M/s.Tropical Agrosystem (I) Ltd., having its office at 40-27-7, Municipal Employees Colony, Rep. by N.Sambasiva Rao.
3 M/s.Lab & Farmer, (A Proprietary Concern) Flat No.102/1, Sai Sivaram Mansion, Road No.2, Rep. by Dr.M.Sri Rama Raju.

**.....**
**PETITIONERS**

AND

The Commissioner & Director of Agriculture, Andhra Pradesh, Gunfoundry, Hyderabad.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other writ, order or direction declaring the action of the respondent in interfering with the manufacturing and sale of the petitioner bio products by issuing Memo No.PP.II(1)2085/2005 dated 21.1.2006 and the consequential proceedings No.PP.II(1)2085/2005 dated 26.6.2006 there by restricting the sale of bio products from the licensed premises of the petitioner herein as being illegal, arbitrary, unconstitutional and without jurisdiction and further direct the respondent not to interfere with in any manner the manufacture, sale and distribution of the petitioner's Bio products including from the Licensed premises of the dealers/stockists under the Insecticides Act, 1968 and the Fertilizers Control (Order) Act, 1985.

**Counsel for the Petitioners:SRI. S.NIRANJAN REDDY**

**Counsel for the Respondent: GP FOR AGRICULTURE**

**The Court made the following :**

**THE HON'BLE SRI JUSTICE C.V.RAMULU**

**WRIT PETITION No.17145 of 2006**

**ORDER:**

The writ petition is filed seeking a Mandamus declaring the action of the respondent in interfering with the distribution and sale of the petitioners' bio-products as arbitrary, illegal and without jurisdiction.

When the matter is taken up for consideration, learned counsel on either side fairly conceded that the issue involved in this writ petition is squarely covered by an order, dated 25.04.2006, rendered by this Court in WP.No.8207 of 2006 and batch, which were disposed of with the following directions:

> " In view of the fact that no license is required under the Insecticides Act, 1968 for manufacture and sale of bio-products as long as they do not contain any ingredients of insecticide as mentioned in the schedule, i.e., Antagonistic Fungi and Bacteria, respondents cannot interfere with the store, sale and distribution of bio-products belonging to the petitioners.
>
> It is needless to say if the bio-products contain any chemical or insecticides which endangers the environment, it is always open for the concerned authorities to take appropriate action against the petitioners-manufacturers and the dealers of the said bio-

products, and by the Executive Magistrate in exercise of powers under Section 133 of Cr.P.C."

The fact that the petitioners herein are also similarly situated is not disputed by the learned Government Pleader.

Accordingly, the writ petition is disposed of in terms of the aforesaid order. No order as to costs.

**C.V.RAMULU,J**

26.12.2008
v v